



## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT: <b>LEGAL RESPONSIBILITY FOR UNIFORM CLINICAL RECORDS</b>	POLICY NO. <b>104.1</b>	EFFECTIVE DATE <b>5/1/91</b>	PAGE <b>1 of 3</b>
APPROVED BY: <b>Original signed by: ROBERTO QUIROZ</b>  Director	SUPERSEDES <b>104.1 10/1/89</b>	ORIGINAL ISSUE DATE <b>1/25/89</b>	DISTRIBUTION LEVEL(S) <b>1,3</b>

### PURPOSE

- 1.1 To amend policy to encompass guidelines on the Uniform Clinical Record-Keeping System.
- 1.2 To specify standards for directly operated programs of the Los Angeles County Department of Mental Health (DMH) for the legal responsibility of its clinical records.
- 1.3 To establish the expectation that contract agencies shall have equivalent policies for their clinical records.

### POLICY

#### 2.1 Ownership

- 2.1.1 All clinical records of DMH directly operated programs are the property of the DMH
- 2.1.2 The clinical records of contract agencies are the property and responsibility of the contract agency, even if the agency contract terminates. If a contract agency goes out of business, DMH, at its option, may assume responsibility for the clinical records of the closing agency.

#### 2.2 Uniform Clinical Record-Keeping System

All County-operated programs must use the forms and format of the Department's Uniform Clinical Record-Keeping System. Any program wishing to make exceptions to either the forms or format must seek written approval from the Standards and Records Division of the Quality Assurance Bureau.

#### 2.3 Maintenance

- 2.3.1 Personnel directly responsible for DMH Clinical Records are:

- 2.3.1.1 A Custodian of Records who shall be the DMH Director of Medical Records, working in the Standards and Records Division of the Quality Assurance Bureau.



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2.3.1.2 A Keeper of Records designated by each DMH program. A keeper may serve more than one program.

2.3.2 All clinical records shall be secured in locked files. They shall be safeguarded against loss, defacement, tampering, or use by unauthorized persons.

2.3.3 Each program shall ensure the maintenance of all clinical records within the parameters noted below in Section 2.4.

2.3.4 Patient records/information shall be released only as specified in the Department of Mental Health Records Procedure Manual.

2.3.5 Storage of records off the program's premises must be arranged through the DMH Custodian of Records.

2.3.6 If a clinic closes, its management shall work with the DMH Custodian of Records or his/her designee to ensure the proper and orderly transfer, storage or destruction of all clinical records.

### 2.4 Retention of Records for DMH Programs

2.4.1 Clinical records of patients who are at least eighteen (18) years of age or legally emancipated at the time of discharge shall be retained at least eight (8) years from the date of discharge.

2.4.2 Clinical records of patients who are minors and not legally emancipated at the time of discharge shall be retained at least until the patient's twenty-first (21<sup>st</sup>) birthday but never less than eight (8) years.

2.4.3 Records of patients which have audits or legal action pending shall be retained until the issues have been settled, the patient's 21<sup>st</sup> birthday, or eight years, whichever is longer.

2.4.4 Community Outreach Services data entry forms (MH 227) shall be retained for a minimum of four (4) years.

2.4.5 Clinical records are eligible for destruction after the minimum retention periods identified in Sections 2.4.1 through 2.4.4 above. Records are eligible for storage when they have been closed for three (3) years or more.



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### **PROCEDURE**

- 3.1 The following personnel will perform these functions:
- 3.1.1 The DMH Custodian of Records shall:
    - 3.1.1.1 Interpret this policy and related procedures to DMH programs;
    - 3.2.1.2 Generally assist programs in issues of compliance with this policy and related procedures;
    - 3.2.1.3 Keep updated the DMH Mental Health Records Procedure Manual.
  - 3.2.1 The program Keeper of the Records shall:
    - 3.1.2.1 Ensure that these DMH policies and the procedures detailed in the Mental Health Records Procedure Manual regarding release of information are correctly followed;
    - 3.1.2.2 Ensure that clinical records are purged and destroyed according to DMH policies and procedures.
- 3.2 Procedures regarding release of patient information, patient access to their records, and consent for services will be maintained in the DMH Mental Health Records Procedure Manual.

### **AUTHORITY**

Title XXII, California Code of Regulations, Section 71551(b)